

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARRY McKINNEY,

*Plaintiff,*

v.

CHESTER COUNTY, et al.,

*Defendants.*

CIVIL ACTION  
NO. 20-1756

**ORDER**

AND NOW, this 5th day of February 2021, upon consideration of Defendants' Motion to Dismiss (ECF No. 23), Plaintiff's Response (ECF No. 26) and Defendants' Reply (ECF No. 27), it is hereby **ORDERED** that:

1. Defendants' Motion is **GRANTED** insofar as it seeks to dismiss Chester County Office of the Sheriff and Chester County Office of the Controller, and the case caption shall be **AMENDED** to identify Chester County as the sole Defendant.
2. Defendants' Motion is further **GRANTED** insofar as it seeks to dismiss Plaintiff's FLSA and PMWA claims. Count I of the Amended Complaint is **DISMISSED without prejudice** and Count II is **DISMISSED with prejudice** for the reasons stated in the Court's Memorandum.
3. Defendants' Motion is **DENIED** as moot insofar as it seeks to strike certain paragraphs of the Amended Complaint as well as a more definite statement; and

4. Plaintiff may file a second amended complaint consistent with this Order and the Court's Memorandum on or before **Monday, February 22, 2021.**

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.